

**Notice of Allowability**

Application No.

10/712,582

Applicant(s)

JALALI ET AL.

Examiner

Art Unit

Cynthia Britt

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/16/05.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

ALBERT DECADY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

***Terminal Disclaimer***

The terminal disclaimer filed on September 16, 2005 has been reviewed and is accepted. The terminal disclaimer has been recorded with respect to U.S. Patent No. 6,694,469.

**Reasons for Allowance**

Claims 1-16 are allowable.

The following is an examiner's statement of reasons for allowance: The present invention pertains to a system and method of quick retransmission of signals in a communication system. The claimed invention (claim 1 as representative) recites such novel features as "...means for determining a quality metric of said unit of received signal; means for instructing said means for generating said feedback signal to generate said feedback signal in accordance with said quality metric; and means for preventing decoding of said unit of received signal if an indication received on a control channel indicates that said unit of received signal is not to be decoded." Each of the independent claims 1, 4, 12, and 14-16 recite similar features.

The prior arts of record (Schneider U.S. Patent No. 6,377,562 is an example of such prior arts) teach a communication system in which the data portion of the received signals represents monitored channel quality of the link. Quality metrics may comprise two components, both monitored at the subscriber premises and transported to the base station. Standard error checking detection methodology provides for generation of an Automatic Retransmission reQuest (ARQ) signal upon detection of an error. The

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ARQ signals are metrics indicative of error detection obtained from CRC data. The probe signals are metrics, which characterize the transmission channel and frequency selectivity, e.g., signal strength. The processor provides a measure of the bit error rate, obtained from the ARQ signals, and of the wireless channel transmission quality, obtained from the probe feedback signals, to be compared against the quality of service criteria for each subscriber. ARQ signals can be transmitted back to the information provider, in conventional manner, for retransmission of data.

The prior arts, however, do not teach instructing the feedback signal generator to generate a feedback signal in accordance with said quality metric, and to prevent decoding of the signal if an indication received on a control channel indicates that the signal is not to be decoded. Hence, the prior arts of record do not anticipate nor render obvious the claimed inventions. Thus, claims 1-16 are allowable over the prior arts of record.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia Britt whose telephone number is 571-272-3815. The examiner can normally be reached on Monday - Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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